

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAMES CHALLINOR,

Plaintiff,

v.

MIDLAND FUNDING, LLC,

Defendant.

NO: 2:16-CV-363-RMP

ORDER OF DISMISSAL WITHOUT
PREJUDICE

A Complaint was filed in this case on October 13, 2016, ECF No. 1, and the Clerk of Court issued a summons upon Defendant to Plaintiff. ECF No. 2. Pursuant to Fed. R. Civ. P. 4(m), the Complaint must be served upon the Defendant within ninety (90) days of the filing of the Complaint.

On January 24, 2017, the Court entered an Order to Show Cause why this case should not be dismissed without prejudice for failure to accomplish service of the Summons and Complaint upon Defendant. Plaintiff was given ten (10) days to provide proof of service or to show cause why the case should not be dismissed. ECF No. 3. Plaintiff has failed to do either.

1 Accordingly, **IT IS HEREBY ORDERED** that this case is **dismissed**
2 **without prejudice** and **without costs to either party**.

3 The District Court Clerk is directed to enter this Order and provide copies to
4 counsel.

5 **DATED** February 7, 2017.

6 *s/ Rosanna Malouf Peterson*
7 ROSANNA MALOUF PETERSON
8 United States District Judge
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